



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

CON 24-06

Application No.: 070615-37

August 7, 2007

BONITA GRANDE AGGREGATES
25501 BONITA GRANDE DRIVE
BONITA SPRINGS, FL 34135

Dear Permittee:

SUBJECT: **Permit No.:** 36-05768-W
 Project: BONITA GRANDE MINE
 Location: LEE COUNTY S17,18/T47S/R26E
 Permittee: BONITA GRANDE AGGREGATES

District staff has reviewed the information submitted in support of the referenced application for permit modification(s) and determined that the proposed activities are in compliance with the previous permit and the appropriate provisions of Rule 40E-20.331 (3)(a), Florida Administrative Code. The permit modification(s) include the following:

To extend the permit duration for another year. Due to unforeseen circumstances, the dewatering for this project has not been initiated. Therefore, the applicant has requested to extend the permit for one additional year in order to complete on-site dewatering activities. No other changes from the previously issued permit are requested.

Please understand that your permit remains subject to the 26 Limiting Conditions and all other terms of the permit authorization as previously issued.

Sincerely,

A handwritten signature in blue ink that reads "Thomas Colios".

Thomas Colios
Sr Supv Hydrogeologist
Water Use Regulation Division

TDC/nd

Limiting Conditions

- 1 This permit shall expire on August 7, 2008.
- 2 Application for a permit modification may be made at any time.
- 3 Water use classification:

Dewatering water supply
- 4 Source classification is:
- 5 Permittee shall not withdraw more than 1800 million gallons in the duration of this permit, nor more than 10 million gallons per day.
- 6 Pursuant to Rule 40E-1.6105, F.A.C., Notification of Transfer of Interest in Real Property, within 30 days of any transfer of interest or control of the real property at which any permitted facility, system, consumptive use, or activity is located, the permittee must notify the District, in writing, of the transfer giving the name and address of the new owner or person in control and providing a copy of the instrument effectuating the transfer, as set forth in Rule 40E-1.6107, F.A.C.

Pursuant to Rule 40E-1.6107 (4), until transfer is approved by the District, the permittee shall be liable for compliance with the permit. The permittee transferring the permit shall remain liable for all actions that are required as well as all violations of the permit which occurred prior to the transfer of the permit.

Failure to comply with this or any other condition of this permit constitutes a violation and pursuant to Rule 40E-1.609, Suspension, Revocation and Modification of Permits, the District may suspend or revoke the permit.

This Permit is issued to:

BONITA GRANDE AGGREGATES
25501 BONITA GRANDE DRIVE
BONITA SPRINGS, FL - 34135

- 7 Withdrawal facilities:
- 8 Permittee shall mitigate interference with existing legal uses that was caused in whole or in part by the permittee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation will include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means.

Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the:

(1) Inability to withdraw water consistent with provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or

- (2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.
- 9 Permittee shall mitigate harm to existing off-site land uses caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm as determined through reference to the conditions for permit issuance, includes:
- (1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other governmental authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g. fill for construction, mining, drainage canal, etc.)
- (2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or
- (3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.
- 10 Permittee shall mitigate harm to the natural resources caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance includes:
- (1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface,
- (2) Reduction in water levels that harm the hydroperiod of wetlands,
- (3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond,
- (4) Harmful movement of contaminants in violation of state water quality standards, or
- (5) Harm to the natural system including damage to habitat for rare or endangered species.
- 11 If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.
- 12 Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.
- 13 The Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.
- 14 The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the Permit and Chapter 40E-2, Florida Administrative Code.
- 15 Permittee shall submit all data as required by the implementation schedule for each of the limiting

conditions to: S.F.W.M.D., Supervising Hydrogeologist – Post-Permit Compliance, Water Use Regulation Dept. (4320), P.O. Box 24680, West Palm Beach, FL 33416-4680.

- 16 The Permittee is advised that this Permit does not relieve the Permittee of complying with all county, state, and federal regulations governing these operations, maintenance, and reclamation of the borrow pit.
- 17 All dewatering water shall be retained on the Permittee's land. Off-site discharge of dewatering effluent shall not be made.
- 18 The excavation shall be constructed using sound engineering practice. If the excavation endangers the properties of adjacent owners through erosion, side wall collapse, etc., the Permittee shall cease operation upon notification by the District until a method to prevent such occurrences is found and instituted.
- 19 Permittee shall immediately cease dewatering when continued dewatering would create a condition hazardous to the health, safety, and general welfare of the people of the District.
- 20 Permittee shall be responsible for clearing shoaling if the Permittee's dewatering operation creates shoaling in adjacent water bodies.
- 21 Permittee shall comply with turbidity and general water quality standards for surface discharge into receiving streams, as established by Chapter 62-302, Florida Administrative Code.
- 22 Permittee shall not lower the water table below the following depths:
3 feet NGVD or 10 feet below land surface
- 23 A copy of the permit, its limiting conditions, and dewatering plan is required to be kept on site at all times during dewatering operations by the lead contractor or site manager.
- 24 In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The Permittee is advised that during a water shortage, pumpage reports shall be submitted as required by Chapter 40E-21, F.A.C.
- 25 At least 72 hours prior to initial dewatering, the Permittee shall notify the District that dewatering is about to commence and verify all precautions are in place prior to project commencing with pumping operation, including:
 - A) The location and design of the recharge trenches and on-site retention areas where dewatering water will be retained.
 - B) The location of monitoring facilities, and
 - C) Other appropriate site-specific issues related to the protection of the resource or other existing legal users.

Failure of the permittee or his representative contractor to notify the District before dewatering is initiated will result in enforcement action.

If necessary, the District shall conduct a site visit.

Notification of commencement of dewatering can be made by contacting:

Scott Korf at 239-338-2929.

- 26 The Permittee shall construct the proposed recharge trenches prior to dewatering and maintain water levels during active dewatering operations within one foot below land surface. Obstructions and sediments within the recharge trenches shall be removed to maintain the effectiveness of the recharge trenches.

c: Audubon of Florida
C D M
Div of Recreation and Park – District 4
Florida Fish & Wildlife Conservation Commission
League of Women Voters of Lee County
Lee County
Lee County Engineer
Lee County HRS
Lee County Utilities Division
S.W.F.R.P.C.

bc:Nancy Demonstranti
ANNE MARIE SUPERCHI – 4320
Permit File – 4240

ADDRESSES

Audubon of Florida Mr. Jason Lauritsen
Attn: Mr. Jason Lauritsen
375 Sanctuary Road
Naples FL 34120

C D M
Frank P Winslow
9311 College Parkway
Fort Myers, FL 33919

Div of Recreation and Park – District 4 FDEP
Attn: FDEP
1843 S Tamiami Trail
Osprey FL 34229

Florida Fish & Wildlife Conservation Commission – Imperiled Species Mgmt Section
Attn: – Imperiled Species Mgmt Section
620 South Meridian Street
Tallahassee FL 32399–6000

League of Women Voters of Lee County – Clara Anne Graham Elliott
Attn: – Clara Anne Graham Elliott
25201 Divot Drive
Bonita Springs FL 33923

Lee County – Dept of Environmental Protection
Attn: – Dept of Environmental Protection
P.O. Box 398
Fort Myers FL 33902–0398

Lee County –Natural Resource Management
Attn: –Natural Resource Management
1500 Monroe Street
Fort Myers FL 33901

Lee County Engineer
Attn:
P.O. Box 398
Fort Myers FL 33902–0398

Lee County HRS
Attn: Bill Allen
Environmental Engineering
60 Danley Drive #1
Ft. Myers FL 33907

ADDRESSES

Lee County Utilities Division

Attn:

PO Box 398

Ft Myers FL 33902

S.W.F.R.P.C. Jim Beever

Attn: Jim Beever

1926 Victoria Avenue

Fort Myers FL 33901